

district court a libel praying seizure and condemnation of 51 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about October 19, 1933, by O. L. Ensfield, from South Haven, Mich., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous and deleterious ingredients, arsenic and lead, in amounts which might have rendered it injurious to health.

On December 22, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21734. Adulteration of canned frozen eggs. U. S. v. Swift & Co. Plea of guilty. Fine, \$100 and costs. (F. & D. no. 29339. I.S. no. 39524.)

This case was based on an interstate shipment of frozen eggs that were found to be in part decomposed.

On November 3, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Swift & Co., a corporation, trading at Baltimore, Md., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 21, 1931, from the State of Maryland into the District of Columbia, of a quantity of canned frozen eggs that were adulterated. The article was labeled in part: "American Albumen Corporation Frozen Eggs. Mixed Eggs * * * New York-Dallas."

It was alleged in the information that the article was adulterated in that it consisted in part of a decomposed and putrid animal substance.

On December 27, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

M. L. WILSON, *Acting Secretary of Agriculture.*

21735. Adulteration and misbranding of grated cheese. U. S. v. Ehrat Food Corporation. Plea of guilty. Fine, \$100. (F. & D. no. 28171. I.S. nos. 20765, 24848.)

This case was based on interstate shipments of a product which was represented to be grated American cheese but which was found to consist of cheese containing skimmed milk solids or a product high in lactose.

On December 13, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Ehrat Food Corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about April 29, 1931, from the State of Illinois into the State of Ohio and on or about May 13, 1931, from the State of Illinois into the State of Missouri, of quantities of grated cheese that was adulterated and misbranded. A portion of the article was labeled: "Riviera Finest Grated American Cheese Net weight 1½ Oz. When Packed." The remainder was labeled: "Ehrat's Grated American Cheese Made From Finest American Cheese Net Weight 1½ Oz. when packed."

It was alleged in the information that the article was adulterated in that a substance, skimmed milk solids containing lactose, had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a product composed of whole American cheese and skimmed milk solids containing lactose had been substituted for grated American cheese, which the article purported to be, for the further reason that a substance other than the article and containing lactose, had been mixed and packed with it so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that whole American cheese containing an added product high in lactose had been substituted for grated American cheese, which the article purported to be.

Misbranding was alleged for the reason that the statements, "Finest Grated American Cheese", "Grated American Cheese", "Net Weight 1½ Oz.", borne on the label, were false and misleading and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the article did not consist wholly of grated American cheese, and the packages contained less than 1½ ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not

plainly and conspicuously marked on the outside of the package, since the packages contained less than declared.

On December 13, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21736. Misbranding of peanut butter and salad mustard. U. S. v. Curtiss Candy Co. Plea of guilty. Fine, \$50. (F. & D. no. 29386. I.S. nos. 12777, 36433.)

This case was based on interstate shipments of peanut butter and salad mustard that were found to be short weight.

On April 8, 1933, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Curtiss Candy Co., a corporation, Chicago, Ill., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about May 29, 1931, from the State of Illinois into the State of Washington, of a quantity of peanut butter, and on or about August 13 and August 15, 1931, from the State of Illinois into the State of Indiana, of quantities of salad mustard, which products were misbranded. The articles were labeled respectively: "De Lish Net Wt. 1 Lb. Peanut Butter Curtiss Candy Co., Chicago, Ill."; "De Lish Net Wt. 2 Lbs. Salad Mustard Curtiss Candy Co. Chicago, Ill."

It was alleged in the information that the articles were misbranded in that the statements on the labels, "Net Wt. 1 Lb." and "Net Wt. 2 Lbs.", were false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser, since the jars of peanut butter contained less than 1 pound net, and the jars of salad mustard contained less than 2 pounds net. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statements of weight were incorrect.

On December 15, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

M. L. WILSON, *Acting Secretary of Agriculture.*

21737. Adulteration of apple pomace. U. S. v. 230 Sacks of Apple Pomace. Default decree of destruction. (F. & D. no. 31143. Sample no. 42684-A.)

This action involved an interstate shipment of apple pomace that contained arsenic and lead in amounts that might have rendered the article injurious to health.

On September 21, 1933, the United States attorney for the Western District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 230 sacks of apple pomace at Louisville, Ky., alleging that the article had been shipped on or about August 23, 1933, from Medina, N.Y., having been consigned by W. E. Mathes Vinegar Co., and charging adulteration in violation of the Food and Drugs Act.

It was alleged in the libel that the article was adulterated in that it contained added poisonous or deleterious ingredients, arsenic and lead, which might have rendered it injurious to health.

On November 17, 1933, no claimant having appeared for the property, judgment was entered by the court ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21738. Adulteration of apples. U. S. v. 490 Bushels and 526 Bushels of Apples. Consent decree of condemnation and forfeiture. Product released under bond for washing. (F. & D. nos. 31246, 31652. Sample nos. 55908-A, 59402-A, 59453-A.)

These cases involved interstate shipments of apples that were found to contain arsenic and lead in amounts that might have rendered the article injurious to health.

On or about September 26 and November 2, 1933, the United States attorney for the Northern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1,016 bushels of apples at Chicago, Ill., alleging that the article had been shipped in interstate commerce from Hart, Mich., in part on or about September